

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#15

Applicant: Combelles et al. Examiner: Shuwang Liu  
Serial No.: 09/446,958 Group Art Unit: 2634  
Filed: December 29, 1999 Docket: 9320.92USWO  
Confirmation No.: 3201 Notice of Allow. N/A  
Date:  
Due Date: May 3, 2004  
Title: MULTICARRIER MODULATION USING WEIGHTED PROTOTYPE FUNCTIONS

**CERTIFICATE UNDER 37 CFR 1.8:**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 3, 2004.

By:   
Name: John J. Gresens

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**23552**  
PATENT TRADEMARK OFFICE

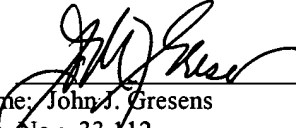
Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Other: Request for Reconsideration of Petition Decision; Copy of executed Declaration and Power of Attorney
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.  
P.O. Box 2903, Minneapolis, MN 55402-0903  
612.332.5300

By:   
Name: John J. Gresens  
Reg. No.: 33,112  
JJG/JAL:lrh

RECEIVED  
18 MAY 2004

RECEIVED

#15

S/N 09/446958

Rec'd PCT/PTO 05 MAY 2004  
PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Combelles, et al	Docket No.:	09320.0092USWO
Serial No.:	09/446958	Filed:	12/29/99
Int'l Appln No.:	PCT/FR98/01398	Int'l Filing Date:	06/30/98
Title:	MULTICARRIER MODULATION USING WEIGHTED PROTOTYPE FUNCTIONS		

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, VA 22313-1450 on May 3, 2004.

By: 

Name: John J. Gressens

REQUEST FOR RECONSIDERATION OF PETITION DECISION

Mail Stop PCT  
Commissioner for Patents  
Office of PCT Legal Administration  
Alexandria, VA 22313-1450

Dear Sir:

This request for reconsideration is in response to the Decision mailed March 3, 2004 ("the Decision"), dismissing Applicant's petition under 37 CFR 1.47(a) ("the Petition") filed on August 19, 2002. In the Petition, Applicants requested that the Notification of Acceptance of the application be affirmed despite the missing signature of Mr. Ali Jalali. The Petition was dismissed because the Petition lacked adequate factual proof that the missing inventor refused to join in the application or cannot be reached after diligent effort.

Signature of Mr. Jalali

Subsequent to the filing of the Petition, the signature of Mr. Jalali was obtained. A Declaration and Power of Attorney containing Mr. Jalali's signature was filed by Applicant on November 7, 2002. A copy of the executed Declaration and Power of Attorney containing Mr. Jalali's signature filed on November 7, 2002 is enclosed. In addition, the original Declaration and Power of Attorney signed by Mr. Jalali is also enclosed. As a result, the Petition is moot.

**Relief Requested**

Applicants request that the Decision mailed March 3, 2004 be vacated, and that a new Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) be issued. Further, return of this application to the Examiner for consideration of Applicant's response filed on September 26, 2003 is also requested.

Any question concerning this paper should be directed to the attention of the undersigned at the number provided below.

Dated: May 3, 2004

Respectfully Submitted,  
Merchant & Gould P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903

By 

John J. Gresens  
Reg. No. 33,112

**23552**

PATENT TRADEMARK OFFICE

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:  
In re Application of: COMBELLES et al.  
For: Multicarrier Modulation Using Weighted Prototype Functions  
Serial No.: 09/446,958  
Docket No.: 9320.92USWO  
Filed: December 29, 1999  
Date Mailed: November 7, 2002

☒ Transmittal Sheet in duplicate containing Certificate of Mailing  
☒ Signed Combined Declaration and Power of Attorney  
☒ Other: Communication re: Declaration and Power of Attorney Document  
☒ Return postcard

Patent

JJG/jh

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: COMBELLES et al. Examiner: unknown  
Serial No.: 09/446,958 Group Art Unit: unknown  
Filed: December 29, 1999 Docket: 9320.92USWO  
Title: Multicarrier Modulation Using Weighted Prototype Functions

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: , Commissioner for Patents, Washington, D.C. 20231 on November 7, 2002.

By: Jennifer Holden  
Name: Jennifer Holden

Commissioner for Patents  
Washington, D.C. 20231

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Signed Combined Declaration and Power of Attorney
- ☒ Other: Communication re: Declaration and Power of Attorney Document
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.  
P.O. Box 2903, Minneapolis, MN 55402-0903  
612.332.5300

By: John F. Gresens  
Name: John F. Gresens  
Reg. No.: 33,712  
JJG/jh



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	COMBELLES et al.	Examiner:	unknown
Serial No.:	09/446,958	Group Art Unit:	unknown
Filed:	December 29, 1999	Docket:	9320.92USWO
Title:	MULTICARRIER MODULATION USING WEIGHTED PROTOTYPE FUNCTIONS		

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: , Commissioner for Patents, Washington, D.C. 20231 on November 7, 2002.

By:   
Name: Jennifer Holden

SUBMISSION OF COMBINED DECLARATION AND POWER OF ATTORNEY

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

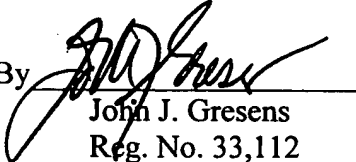
In connection with the above-identified application, enclosed please find the originally signed Combined Declaration and Power of Attorney, signed by all inventors.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 371.5265

Dated: November 7, 2002

By

  
John J. Gresens  
Reg. No. 33,112

JJG/jh

MERCHANT &amp; GOULD P.C.

## United States Patent Application

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: MULTICARRIER MODULATION USING WEIGHTED PROTOTYPE FUNCTIONS

The specification of which

- a. ☐ is attached hereto
- b. ☒ was filed on December 29, 1999 as application serial no. 09/446,958 and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. PCT/FR98/01398 filed June 30, 1998 and as amended on (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☐ no such applications have been filed.
- b. ☒ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
France	FR 97 08547	July 1, 1997	
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Archt, John W.	Reg. No. 40,481
Benson, Gregg I.	Reg. No. 28,828
Benns, Gregory M.	Reg. No. 42,264
Bili, Brian H.	Reg. No. 32,960
Bird, John L.	Reg. No. 27,612
Bis, John M.	Reg. No. 43,496
Bick, Bruce E.	Reg. No. 41,622
Bess, Steven C.	Reg. No. 34,130
Bine, Linda M.	Reg. No. 32,404
Birson, Alan G.	Reg. No. 25,959
Bjers, Philip P.	Reg. No. 33,227
Bjapetta, James R.	Reg. No. 39,634
Bford, John A.	Reg. No. 30,247
Bhran, William W.	Reg. No. 26,652
Bignault, Ronald A.	Reg. No. 25,968
Bey, Dennis R.	Reg. No. 34,994
Bglish, Leslie E.	Reg. No. 40,579
Bilton, Julie K.	Reg. No. 36,414
Bries Smith, Katherine M.	Reg. No. 42,157
Pietro, Mark J.	Reg. No. 28,707
Bell, Robert T.	Reg. No. 20,187
Bp Ryan, Sandra	Reg. No. 39,667
Banco, Robert J.	Reg. No. 40,620
Boggin, Matthew J.	Reg. No. 44,125
Bolla, Charles E.	Reg. No. 26,896
Borman, Alan G.	Reg. No. 38,472
Bould, John D.	Reg. No. 18,223
Begson, Richard	Reg. No. 41,804
Besens, John J.	Reg. No. 33,112
Bamre, Curtis B.	Reg. No. 29,165
Billion, Randall A.	Reg. No. 31,838
Bolzer, Jr., Richard J.	Reg. No. 42,668
Bhaston, Scott W.	Reg. No. 39,721
Bodievitich, Natalie D.	Reg. No. 34,196
Bastelic, Joseph M.	Reg. No. 37,160
Bettelberger, Denise	Reg. No. 33,924
Bey, Ceramic J.	Reg. No. 42,724
Bearl, Homer L.	Reg. No. 21,197
Bowalchuk, Alan W.	Reg. No. 31,535
Bowalebyk, Katherine M.	Reg. No. 36,848

Lacy, Paul E.	Reg. No. 38,946
Larson, James A.	Reg. No. 40,443
Liepa, Mara E.	Reg. No. 40,066
Lindquist, Timothy A.	Reg. No. 40,701
McDonald, Daniel W.	Reg. No. 32,044
McIntyre, Jr., William F.	Reg. No. P-44,921
Mueller, Douglas P.	Reg. No. 30,300
Pauly, Daniel M.	Reg. No. 40,123
Phillips, John B.	Reg. No. 37,206
Plunkett, Theodore	Reg. No. 37,209
Pytel, Melissa J.	Reg. No. 41,512
Reich, John C.	Reg. No. 37,703
Reiland, Earl D.	Reg. No. 25,767
Schmaltz, David G.	Reg. No. 39,828
Schuman, Mark D.	Reg. No. 31,197
Schumann, Michael D.	Reg. No. 30,422
Scull, Timothy B.	Reg. No. 42,137
Sebald, Gregory A.	Reg. No. 33,280
Skoog, Mark T.	Reg. No. 40,178
Soderberg, Richard	Reg. No. P-43,352
Stoll-DeBell, Kirstin L.	Reg. No. 43,164
Storer, Shelley D.	Reg. No. 45,135
Sumner, John P.	Reg. No. 29,114
Summers, John S.	Reg. No. 24,216
Swenson, Erik G.	Reg. No. 45,147
Tellekson, David K.	Reg. No. 32,314
Trembath, Jon R.	Reg. No. 38,344
Underhill, Albert L.	Reg. No. 27,403
Vandenburg, J. Derek	Reg. No. 32,179
Wahl, John R.	Reg. No. 33,044
Weaver, Karrie G.	Reg. No. 43,245
Welter, Paul A.	Reg. No. 20,890
Whipps, Brian	Reg. No. 43,261
Wickhem, J. Scot	Reg. No. 41,376
Williams, Douglas J.	Reg. No. 27,054
Witt, Jonelle	Reg. No. 41,980
Xu, Min S.	Reg. No. 39,536
Zouli, Anthony R.	Reg. No. 45,255

hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

Merchant & Gould P.C.  
3100 Norwest Center  
90 South Seventh Street  
Minneapolis, MN 55402-4131



reby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are  
 eyed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are  
 shable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements  
 / jeopardize the validity of the application or any patent issued thereon.

Full Name Of Inventor	Family Name Combelles	First Given Name Pierre	Second Given Name M.
Residence & Citizenship	City Rennes	State or Foreign Country France	Country of Citizenship France
Post Office Address	Post Office Address 32, rue Bigot de Preameneu	City Rennes	State & Zip Code/Country 35000 / France
Signature of Inventor 201:			Date: 25. jan. 2000
Full Name Of Inventor	Family Name LaCroix	First Given Name Dominique	Second Given Name M.
Residence & Citizenship	City Rennes	State or Foreign Country France	Country of Citizenship France
Post Office Address	Post Office Address 18, square Alain Fergent	City Rennes	State & Zip Code/Country 35000 / France
Signature of Inventor 202:			Date: 31. jan. 2000
Full Name Of Inventor	Family Name Jalali	First Given Name Ali	Second Given Name M.
Residence & Citizenship	City Rennes	State or Foreign Country France	Country of Citizenship France
Post Office Address	Post Office Address 32K, rue Mirabeau	City Rennes	State & Zip Code/Country 35700 / France
Signature of Inventor 203:			Date: 11 / 10 / 02

**1.56 Duty to disclose information material to patentability.**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any pending claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully and thoroughly examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim potentially defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.